

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department (General)

ORDER

HD(G)-44-58/72

In exercise of the powers conferred by clauses (a) and (b) of Section 5 of the Maintenance of Internal Security Act, 1971 (Central Act 26 of 1971) and in supersession of the Government order No. HD-44-58/72-A dated 17th January, 1973 published in Official Gazette, Series I, No. 43, dated 25th January, 1973 the Government of the Union territory of Goa, Daman and Diu hereby makes the following order, namely: —

Preliminary

1. This order may be called the Goa, Daman and Diu Conditions of Detention Order, 1976.

2. It shall come into force at once.

3. In this order —

(a) "Act" means the Maintenance of Internal Security Act, 1971 (Central Act 26 of 1971);

(b) "Detaining authority" means the Government or any Officer specified in sub-section (2) of section 3 of the Act;

(c) "District Magistrate" means the District Magistrate or the additional District Magistrate of the District in which the Security prisoner is detained;

(d) "Government" means the Government of the Union territory, Goa, Daman and Diu;

(e) "Health Officer" means a Government Health Officer of the area in which the security prisoner is detained;

(f) "Inspector General" means the Inspector General of Prisons, Goa, Daman and Diu;

(g) "ORDER" means the Goa, Daman and Diu Conditions of Detention Order, 1976;

(h) "Security Prisoner" means a person with respect to whom a detention order is made by the Government or an Officer subordinate to it under the Act;

(i) "Superintendent" means in the case of a security prisoner detained in a jail or a sub-jail,

the person-in-charge of the jail or sub-jail in which the security prisoner is detained;

(j) "Superintendent of the Hospital" means the person in charge of the Government hospital or health centre.

Place of Detention

4. A Security prisoner shall be detained in a jail or a sub-jail.

5. (1) Any security prisoner may be removed from a jail or a sub-jail, as the case may be —

(a) to any hospital or health centre for medical examination or treatment or for admission as an indoor patient, if in the opinion of the Superintendent or Inspector General it is necessary to do so for the reason of health of such prisoner:

Provided that no security prisoner shall be removed from his place of detention for admission in a medical hospital as an indoor patient unless a Medical Board constituted by the Government, by an order, has certified that such prisoner should be hospitalized.

(b) to a criminal Court in the Union territory of Goa, Daman and Diu, if such Court requires the attendance of such prisoner for answering a charge of a Criminal Offence in any proceeding against him; or

(c) to any Civil or Criminal Court in the Union territory of Goa, Daman and Diu for giving evidence in any case pending before it.

(2) No security prisoner shall be removed under item (c) of sub-clause (1) unless previous permission of the Government has been obtained which shall be refused if the Government thinks it necessary to do so in the interest of public order.

Classification

6. (1) Security prisoner detained in a jail or a sub-jail shall be classified into one of the three classes, namely Class I, Class II and Class III. Classes shall be given to the Security prisoner according to the state of his health, age, education and mode of living.

(2) The classification of each security prisoner shall be made by the detaining authority in accordance with the principles specified in sub-clause (1).

Accommodation

7. Where a security prisoner is detained in a jail or a sub-jail, he shall be kept in a separate cell or common cell.

8. Security prisoners shall be allowed to communicate with each other provided that the Superintendent or the Inspector General may, if he considers it desirable to do so on the grounds of health of the prisoner or for any other reason, confine such security prisoners separately. Security prisoners shall, as far as possible be kept separate from other kinds of prisoners. Security prisoner of one class shall as far as possible, be kept separate from those of the other Class.

Clothing

9. Security prisoners may be allowed to use their own cloths and bedding. Superintendent may, in his discretion, permit the supply of extra clothes and bedding to a security prisoner by his friends or relatives or allow him to obtain the same at his own expenses. In cases where security prisoners have no sufficient clothing of their own and have neither funds to buy it with, nor friends or relatives to supply, they may be supplied with clothing at Government Cost.

Diet

10. (1) All the classes of security prisoners shall be given diet on the same scales as are prescribed for convicts according to jail regulations.

They shall also get the following additional diet if required by the detenu and if found convenient by the Superintendent of Jail to supply it.

Additional diet for Class I security prisoners

1) Butter or ghee	14 grams	} Daily
2) Milk	113 grams	
3) Sugar or molasses	14 grams	
4) Potatoes	170 grams	
5) Fruits	Worth 25 N. P.	Three times a week

(2) Security prisoner may also be allowed to supplement their diet at their own expense if found necessary by the detaining authority.

(3) Special diet may be supplemented, if recommended on medical grounds for a security prisoner who is unable to do so at his own expenses by applying to the Superintendent of the Jail.

(4) The diet or other eatables received from a friend or relative of a security prisoner is subject to search by such police or jail officer as may be authorised by Inspector General or Superintendent as the case may be.

(5) Each security prisoner shall be given 10 grams of tea daily.

(6) Consumption of liquor will not be allowed even if supplemented at his own cost.

Supply of funds

11. (1) A security prisoner may, with the previous sanction of the detaining authority, receive from a specified relative or friend at intervals of not less

than a month, funds not exceeding Rs. 50/- per month if he is a Class I security prisoner and Rs. 30/- per month if he is a Class II security prisoner and may spend those funds or a similar fund from his own private funds on such objects and in such manner as may be permissible under the Order.

(2) All funds so received shall be kept by the Superintendent and spent by him on behalf of the security prisoner concerned.

Tasks

12. Security prisoners may be assigned task by the Superintendent with due regard to their state of health, age, physical and Medical capacity, character, education and antecedents and may receive remuneration for their work at such rates, as are admissible under the jail regulations.

Searches

13. Security prisoners and the rooms, wards or cells in which they are accommodated shall be searched not less than once a week but may be searched often or at any time if the Inspector General or Superintendent considers it necessary. A security prisoner shall also be searched immediately after admission and thereafter, before and after every interview with any person other than a police officer. Special precautions shall be taken to make the searches thorough and the fact that the search has been made shall be noted in the report book of the officer making the search. The search shall be made by a Jailor or such other officer as may be authorised in this behalf by the Inspector General or the Superintendent, under the supervision of a Jailor.

Interviews

14. (1) (i) Except on the written order of the Inspector General or Superintendent no security prisoner shall be permitted to have an interview with any person other than a police officer;

(ii) the application for interview from persons other than police officers shall be made to the Inspector General in Form "A" appended hereto;

(iii) the time, place and duration of each interview shall be informed to the applicant and copy thereto sent to the Superintendent;

(iv) if the interview is refused, the fact shall be reported by the officer refusing the interview to the Government;

(v) interviews with the legal advisers shall be strictly limited to one occasion of duration of not more than two hours for each specified purpose like the drafting of the security prisoner's representation under section 8;

(vi) interviews with the members of the security prisoners' family shall be strictly limited to one occasion during a calendar month;

(vii) interviews with friends and others shall not be allowed;

(viii) all interviews granted under items (v) and (vi) shall be in the presence of and within the hearing of one police officer or an officer of the Prison Department, who may terminate the interview at any time, if in his opinion the conversation is detrimental to public interest or safety;

(ix) future interviews may be prohibited if interviews are published and warning to that effect shall be given at the close of the interview by the officer present at the time of interviews;

(2) Notwithstanding anything contained in sub-clause (1), a security prisoner in respect of whom a declaration has been made under sub-sections (2) and (3) of section 16-A of the Act may be granted interviews with the members of his family once in a week.

Explanation. — The family of the security prisoner shall mean his parents, spouse and children.

Police interviews, Photograph and Finger Prints

15. (1) The detaining authority may by general or special order authorise, Superintendent to have interviews with Security prisoner.

(2) The Superintendent or any police officer authorised in this behalf may take photographs and finger prints and take specimens of signature and handwriting of a security prisoner.

Books and News papers

16. Security prisoner may be allowed to read books and periodicals if available at the place of detention and may be allowed to obtain newspapers at his cost by subscribing and receiving them by post.

Correspondence and Censorships

17. (1) Security prisoners shall ordinarily be permitted to write two letters and receive four letters per week. Out of the two letters allowed per week, one shall be at the Government's cost. Extra letters and telegrams may be allowed, when necessary, by the Inspector General or Superintendent, in his discretion, at the cost of the security prisoner.

(2) A security prisoner may be allowed to correspond with another security prisoner in another place of detention on the condition that such correspondence is limited to personal and private matters.

(3) All letters to and from security prisoners shall be censored by the Inspector General or Superintendent, as the case may be. If in the opinion of the Inspector General or the Superintendent, the despatch or delivery of any letter is likely to be detrimental to the public interest or safety or the discipline of the place of detention, he shall either withhold such letter or despatch or deliver it after deleting any objectionable portion therefrom. In respect of the censoring of letters of security prisoners, the Inspector General or the Superintendent shall comply with any general or special instructions issued by the Government.

(4) Every letter forwarded to or from any security prisoner shall be initialled and dated by the officer who handled the letter.

(5) The receipt and despatch of telegrams by security prisoners shall be subject to the same control as is hereinbefore provided for letters except that the number of telegrams which may be despatched by security prisoners shall be within the discretion of the Inspector General or the Superintendent.

(6) In all cases in which a letter or a telegram is withheld, the security prisoner shall be informed of the fact of such withholding.

(7) When the telegram is to or from Government, it shall be forwarded direct and if the telegram is to or from the Central Government, it shall be routed through the Government.

(8) Security prisoners shall attach to all their out-going letters and telegrams a slip containing the full name and address and relationship of the addressee and of such person mentioned in the letter or telegram.

(9) The Inspector General or the Superintendent, as the case may be, shall have discretion to decide, in the case of a petition submitted in telegraphic form whether it should be forwarded by telegraph or by post.

18. The security prisoner who is a Member of Parliament or State Legislature shall be allowed direct correspondence with the Presiding Officer of the House without being censored, if he is a sitting member having been administered on oath as required by the Constitution.

19. Any Petition made to the Court or representation which a security prisoner may submit shall expeditiously be forwarded to the addressee direct. If the petition is addressed to the Judicial Commissioner it shall be sent to the Registrar, Judicial Commissioner's Court, Panaji, in a sealed envelope. The copy of the petition shall be sent to the Government whenever the officer concerned considers it necessary to do so.

Discipline and punishment for breaches of discipline

20. Security prisoners shall, for the purposes of discipline and punishment for breaches of discipline be subject, as if they were convicted prisoners, to the Prisons Act, 1894 (Act IX of 1894) and the rules made thereunder.

Medical Attendance

21. Security prisoner shall be medically examined every week by a Medical Officer of the Jail and a monthly report on his physical condition shall be submitted to the detaining authority and the Inspector General.

Furniture and other articles

22. A class I security prisoner shall be supplied with (i) one bed (ii) one chair (iii) one table (iv) a Mosquito net (v) one water jug and tumbler as the Superintendent deems it convenient.

Toilet

23. Security prisoner shall be supplied with one cake of washing soap of 57 grams fortnightly and one toilet soap per month at Government expense.

24. (1) Unless prohibited on the ground of safety the security prisoner may be allowed to have shaving equipment of his own.

(2) If the security prisoner has no such equipment he may be allowed to have services of Jail barber as per jail regulations.

25. The female security prisoners shall be allowed to retain glass bangles and, if married, the Mangal Sutra (black necklace).

Smoking and Tobacco

26. Security prisoner may be permitted to smoke or chew tobacco or to do both at his own expense provided that either or both the privileges shall be liable to be withdrawn if abused.

Games

27. Whenever accommodation permits, security prisoners may be permitted by Superintendent to play in-door games like cards at their own expenses and games like ring tennis at Government expense.

28. Security prisoners may be permitted to play chess, draughts and carrom at their own expense.

Lights for reading

29. Security prisoner shall be supplied with sufficient light for reading at night till 10.00 p.m. though a separate light may not be provided for each prisoner in cells.

Washing arrangements

30. A Class I security prisoner may be permitted to have his clothes washed by a washerman. The charges for ten clothes per month shall be borne by the Government and for the charges for the number exceeding ten clothes shall be borne by the security prisoner.

Conveyance Arrangements

31. (1) No special arrangement shall be made for security prisoner unless he takes previous sanction from the detaining authority and bears the cost of the travel.

(2) Whenever a security prisoner is released he shall be paid the cost of journey to the place from where he is arrested.

32. (1) A security prisoner shall be handcuffed or bound while being escorted from one place to another if the Superintendent so directs in writing.

(2) Notwithstanding anything contained in clause (1) a security prisoner may be handcuffed or bound by the officer-in-charge of the escort if he has reason to believe that security prisoner will use violence or attempt to escape or an attempt will be made to rescue him.

Miscellaneous

33. All particulars relating to a security prisoner shall be entered in a separate register (with serial numbers) and returns of statistics relating to them shall be submitted, as far as may be, on the lines of jail returns.

34. Notwithstanding anything contained in this Order, a security prisoner who has been convicted of an offence under any law for the time being in force and sentenced to imprisonment shall be deemed to be a convicted criminal prisoner within the meaning of the Prisons Act, 1894 and shall be governed by the provisions of that Act and the rules made thereunder during the term of imprisonment:

Provided that nothing in this clause shall affect the powers of the Government to remove such a convicted prisoner from one place of detention to

another place of detention under clause (b) of section 5 of the Act.

Power to withdraw Concession

35. The Government may, by general or special order, withhold any of the concessions of facilities provided by or under any of the provisions of this order in respect of any security prisoner or class of security prisoners, for such period or periods as the Government may, from time to time, specify.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Home).

Panaji, 18th September, 1976.

FORM 'A'

Form of Application for interview

[Vide Clause 14(1)(ii)]

Name of the security prisoner to be interviewed.

Name of the applicant.

Relationship of the applicant to the security prisoner to be interviewed.

Full address of the applicant.

Purpose for which the interview is desired.

Date

Hour a. m./p. m.

Signature of the applicant

HOME DEPARTMENT

Secretariat
Panaji

Maintenance of Internal Security Act, 1971.

No.

In exercise of the powers conferred by section 9 of Maintenance of Internal Security Act, 1971 (No. 26 of 1971), the Government of the Union territory of Goa, Daman and Diu hereby

- (1) Constitute an Advisory Board for the purpose of the said Act.
- (2) Appoints Shri to be the Chairman and Shri to be the members of the said Board.

By order and in the name of the Administrator of Goa, Daman & Diu

Secretary to Government.

Date: —

HOME DEPARTMENT

Secretariat
Panaji

Order

The Maintenance of Internal Security Act, 1971.

No.

In exercise of the powers conferred by clause (a) of section 5 of the Maintenance of Internal Security Act, 1971 (No. 26 of 1971), the Government of Goa, Daman and Diu hereby directs that person in respect of whom detention order is in force shall, save as otherwise provided by any special order of the Government of Goa, Daman and Diu, be liable to be detained in any of places specified hereunder: —

- 1)
- 2)
- 3)
- 4)
- 5)

By order and in the name of the
Administrator of Goa, Daman & Diu
Secretary to Government.

Home Department (Transport and Accommodation)

Notification

HD.21-18/70(T&A)

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Motor Vehicles Rules, 1965 is hereby pre-published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Home Department, Secretariat, Panaji before the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by clause (ww) of sub-section (2) of section 68 of the Motor Vehicles Act, 1939, (4 of 1939), as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, namely: —

1. *Short title and commencement.* — (1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Thirty Seventh Amendment) Rules, 1976.

(2) They shall come into force at once.

2. *Amendment of rule 4.75.* — For the existing clause (c) of rule 4.75 of the Goa, Daman and Diu Motor Vehicles Rules, 1965, the following shall be substituted, namely:

“(c) that, where he is authorised to collect, or forward and distribute or collect and forward and distribute, goods, the licensee —

(i) shall be responsible for proper delivery of the goods to the consignee;

(ii) shall be liable to indemnify the owner of goods for any loss or damage to goods while in his control or possession;

(iii) shall not issue a goods transport receipt without having actually received the goods;

(iv) shall not deliver the goods to the consignee without actually receiving from the consignee a goods transport receipt or, if the receipt is lost or misplaced, an indemnity bond covering the value of goods;”.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Home).

Panaji, 22nd September, 1976.

Education and Public Works Department

Notification

Rules under Indian Treasure Trove Act, 1878

No. In exercise of the powers conferred by section 19 of the Indian Treasure Trove Act, 1878 (IV of 1878), the Lieutenant Governor of Goa, Daman and Diu is pleased to make the following rules, namely: —

1. *Short title, extent and commencement.* — (1) These rules may be called the Goa, Daman and Diu Treasure Trove Rules, 1975.

(2) They extend to the whole of the Union Territory of Goa, Daman and Diu.

(3) They shall come into force at once.

2. *Definition.* — In these rules unless the context otherwise requires: —

(a) “Act” means the Indian Treasure Trove Act, 1878 (VI of 1878);

(b) “Government” means the Government of Goa, Daman and Diu;

(c) “Section” means a section of Act;

(d) “Superintending Archaeologist” means Superintending Archaeologist, Archaeological Survey of India, Government of India, within whose jurisdiction the treasure has been found;

(e) “Treasure-trove Officer” means the Director of Archives, Government of Goa, Daman and Diu.

(f) “Union territory” means the Union Territory of Goa, Daman and Diu.

3. *Collector's Report.* — On receipt of any notice under section 4, or on receipt of information from any person other than the finder, that a treasure has been found, the Collector shall report the fact to the Government, the Superintendent and the "Treasure-trove Officer" stating as far as the information at his disposal permits: —

- (a) the name of the finder,
- (b) the nature and details of treasure,
- (c) the approximate value of the treasure,
- (d) the date of the finding of the treasure,
- (e) the origin and surroundings of the treasure.

4. *Publications of Notification.* — Every notification under clause (a) of section 5 shall be published at the local police station, at the Office of the Collector or equivalent Officer within whose jurisdiction the treasure was found, and also at some conspicuous spot in the village in which it was found.

5. Report of the Treasure-trove Officer and Superintendent within 60 days of the receipt of such information from the Collector, the Treasure-trove Officer and Superintendent shall arrange for inspection of the treasure and shall submit their report, individually or jointly to the Collector whether the treasure or any part thereof should be acquired by the Government.

6. *Acquisition of Treasure.* — (1) The Collector shall, before acquiring or making a declaration under section 16 of his intention to acquire on behalf of the Government any treasure or any part thereof, obtain the orders of the Government.

(2) If the Government decides to acquire such treasure or any part thereof, whether on report of the Treasure-trove Officer and Superintending Archaeologist or otherwise, the Government shall accordingly inform the Collector, who after making the declaration under section 9 and complying with provision of section 16, shall as soon as possible, forward the treasure or any part thereof so acquired either to the Treasure-trove Officer or any other centre which the Government may specify in this behalf.

7. *Distribution of Treasure.* — The Treasure-trove Officer, in the event of the Government deciding to acquire the treasure or any part thereof, shall recommend to Government its distribution among the Museums and Institutions in the following order of priorities: —

(a) Principal Museum of the Union Territory and National Museum in recommending allocations to the Museum of Union territory, the Treasure-trove Officer shall take into consideration that the objects to be given to the Museum of the Union territory are of Union territory or regional interest and those to be given to the National Museum are of national importance.

(b) Other Museums in the Union territory managed by the Government or other public authorities, including Universities in the Union territory.

(c) Principal State Museums of other States and the Indian Museum Calcutta.

(d) Other Museums of other States maintained by the Governments or other Public authorities, including Universities.

(e) Other Museums.

8. *Sale.* — The Government, after assessing the needs of the Museums and institutions mentioned in rule 7, may in consultation with the Treasure-trove Officer and the Superintending Archaeologist place a part of treasure acquired under sub-rule (2) of rule 6 or otherwise for sale to the public after notifying the proposed sale in such manner as it may deem fit.

9. *Price.* — The price of the finds notified for sale shall be fixed by the Government after consulting the Treasure-trove Officer and the Superintendent and shall be specified against each item in the notification of the proposed sale and the amount realised by such sale shall be credited to the Consolidated Fund of the Union Territory.

10. *Returns.* — The Treasure-trove Officer shall send a consolidated report of the treasure found during the financial year to the Government of India Department of Culture, Ministry of Education Social Welfare & Culture, this report shall include a brief summary of the results of the examination of treasure-trove finds during the year under review, and shall also include their classification by their material and roughly by the class to which they belong. The report shall also give a short account of any notable treasure-trove finds and their distribution during the year.

By order and in the name of the Administrator of Goa, Daman and Diu.

W. Shaiza, Development Commissioner.

Panaji, 22nd September, 1976.

Finance Department (Revenue)

Notification

Fin(Rev)/2-36/Gen/1/70

In exercise of the powers conferred by sub-section (2) of section 10 of the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964), the Government of Goa, Daman and Diu hereby amends the second schedule appended to the said Act as follows, namely: —

In the second schedule appended to the Goa, Daman and Diu Sales Tax Act, 1964, after entry No. 68, the following shall be added namely: —

"69. Mango stone and Mango Kernels."

By order and in the name of the Administrator of Goa, Daman and Diu.

S. S. Sukhatankar, Under Secretary (Finance).

Panaji, 21st September, 1976.